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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,551	01/19/2001	Masood Garahi	ODS-19	6623
1473	7590	07/12/2004	EXAMINER	
FISH & NEAVE 1251 AVENUE OF THE AMERICAS 50TH FLOOR NEW YORK, NY 10020-1105			MEHRPOUR, NAGHMEH	
			ART UNIT	PAPER-NUMBER
			2686	15
DATE MAILED: 07/12/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/766,551	GARAH, MASOOD	
	<b>Examiner</b>	<b>Art Unit</b>	
	Naghmeh Mehrpour	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 22 April 2004.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 10-13 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 10-13 and 23-26 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 10-13, 23-26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Paravia et al. (US Patent Number 6,508,710) in view of Fitch et al. (US Patent Number 2002/0022862).**

Regarding claims 10, 23, Paravia teaches a method for use in an interactive wagering system (col 1 lines 60-67) comprising:

a communications device that is operable in a wireless communications network in a plurality of localities (col 3 lines 4-15), comprising:

implementing a user-interactive wagering application to provide a wagering service that is operable to a user from the communications device (col 3 lines 21-31);

preventing the user from wagering using the wagering application when the mobile wireless communications device is being operated in a locality where wagering is not legal (col 3 lines 40-56).

Paravia fails to teach that a method of determining in which one of the localities the user is currently operating the mobile wireless communication device based on which one of a plurality

of the base station wireless communications device is associated. However Fitch teaches a method of determining in which one of the localities the user is currently operating the mobile wireless communication device based on which one of a plurality of the base station wireless communications device is associated (page 2 lines section 0013). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Fitch with Paravia, in order to provide a service provider a map that identifies one or more areas of the interest, the area of the interest can be the area that the wagering is not legal

Regarding claims 11, 24, Paravia fails to teach a method/system wherein the mobile wireless communications device comprises a cellular telephone. However Fitch teaches a method/system wherein the mobile wireless communications device comprises a cellular telephone (page 2 section 0013). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Fitch with Paravia, in order to provide a service provider of a cellular phone a map that identifies one or more areas of the interest, the area of the interest can be the area that the wagering is not legal

Regarding claims 12, 25, Paravia teaches a method wherein comprises a table that includes location information and corresponding rules for different localities (col 19 lines 14-30).

Regarding claims 13, 26, Paravia teaches a method wherein responding comprises responding differently based on which one of the localities the user is currently in when the user selects to access the specific service (col 3 lines 21-31).

***Response to Arguments***

3. Applicant's arguments with respect to claims 10-13, 23-36, have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

4. **Any responses to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications indented for entry)

**Or:**

(703) 308-6306, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II. 2121 Crystal  
Drive, Arlington. Va., sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the technology Center 2600 Customer Service Office whose telephone  
number is (703) 306-0377.

Any inquiry concerning this communication or earlier communication from the examiner  
should be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The

examiner can normally be reached on Monday through Thursday (first week of bi-week) and Monday through Friday (second week of bi-week) from 6:30 a.m. to 5:00 p.m.

If attempt to reach the examiner are unsuccessful the examiner's supervisor, Marsha Banks-Harold be reached (703)305-4379

July 2, 2004



CHARLES APPIAH  
PRIMARY EXAMINER